

I certify that the attached is a true and correct copy of H. J. R. 105, which was filed of record on MAR 10 1983

and referred to the committee on:

Judiciary

Betty Murray
Chief Clerk of the House

1983 MAR 24 PM 12:31

HOUSE OF REPRESENTATIVES

FILED MAR 10 1983

By Evans, C

H. J. R. No. 105

A JOINT RESOLUTION

1 proposing a constitutional amendment to replace the limitation on
2 the value of an urban homestead with a limitation based on size.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. That Article XVI, Section 51, of the Texas
5 Constitution be amended to read as follows:

6 Sec. 51. The homestead, not in a town or city, shall consist
7 of not more than two hundred acres of land, which may be in one or
8 more parcels, with the improvements thereon; the homestead in a
9 city, town or village, shall consist of lot[7] or lots amounting to
10 not more than one acre of land, together with any improvements on
11 the land[7-not-to-exceed-in-value-Ten-Thousand-Dollars,-at-the-time
12 of--their--designation--as--the-homestead,-without-reference-to-the
13 value-of-any-improvements-thereon]; provided, that the same shall
14 be used for the purposes of a home, or as a place to exercise the
15 calling or business of the homestead claimant, whether a single
16 adult person, or the head of a family; provided also, that any
17 temporary renting of the homestead shall not change the character
18 of the same, when no other homestead has been acquired. [This
19 amendment-shall-become-effective-upon-its-adoption-]

20 SECTION 2. This proposed constitutional amendment shall be
21 submitted to the voters at an election to be held November 8, 1983.
22 The ballot shall be printed to provide for voting for or against
23 the proposition: "The constitutional amendment replacing the
24 limitation on the value of an urban homestead with a limitation

1 based on size."

B. Bush
By Evans, C.

H.J.R. No. 105

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1 based on size."

1983 APR 11 PM 8: 23

HOUSE COMMITTEE REPORT

1st Printing

By Evans of Tarrant, et al.

H.J.R. No. 105

A JOINT RESOLUTION

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12 of--their--designation--as--the-homestead--without-reference-to-the
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16 adult person, or the head of a family; provided also, that any
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24 limitation on the value of an urban homestead with a limitation

H.J.R. No. 105

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COMMITTEE REPORT

April 6, 1983
(date)

The Honorable Gib Lewis
Speaker of the House of Representatives

Sir:

We, your COMMITTEE ON JUDICIARY, to whom was referred H.J.R. 105 have had the same under consideration and beg to report back with the recommendation that it (measure)

- ☒ do pass, without amendment.
☐ do pass, with amendment(s).
☐ do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. ☒ yes ☐ no

An author's fiscal statement was requested. ☐ yes ☒ no

An actuarial analysis was requested. ☐ yes ☒ no

The Committee recommends that this measure be placed on the ~~(Local)~~ or ~~(Consent)~~ Calendar.

This measure ☐ proposes new law.

☒ ~~amends existing law.~~
proposes an amendment to the constitution
House Sponsor of Senate Measure _____

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Bush, Ch.	<input checked="" type="checkbox"/>			
Khoury, V.C.			<input checked="" type="checkbox"/>	
Garcia, M., C.B.O.	<input checked="" type="checkbox"/>			
Armbrister	<input checked="" type="checkbox"/>			
Cavazos	<input checked="" type="checkbox"/>			
Kemp	<input checked="" type="checkbox"/>			
Martinez, R.				<input checked="" type="checkbox"/>
Toomey	<input checked="" type="checkbox"/>			
Wilson	<input checked="" type="checkbox"/>			

Total

7 aye

0 nay

1 present, not voting

1 absent

Bud Bud
CHAIRMAN

Myranda
COMMITTEE COORDINATOR

By: Evans

BILL ANALYSIS

Background Information:

Currently, the state constitution provides for two types of limitations on homestead exemptions. Persons residing in rural areas can exempt up to 200 acres from creditors' claims, while persons living in cities or towns may exempt any lot or lots, including improvements, as long as the total value does not exceed \$10,000.

Critics claim that the current monetary limitation is too low. The original exemption was set at \$5,000 in 1876, which in present day dollars is much greater than than \$10,000. In addition, with inflation becoming a fixture of economic life, the burden of periodically amending the constitution to maintain fair monetary limitations is onerous. The bill would eliminate the monetary limitation and substitute an area requirement, thus standardizing the method of limiting the homestead exemption and obviating the need for further constitutional revisions.

Purpose:

H.J.R. 105 amends existing law to replace the limitation on monetary value of an urban homestead with a limitation on size.

Section-by-Section Analysis:

Section 1. Amends Article IVI, Section 51, of the state constitution to eliminate the monetary limitation on exemptions for homesteads located in cities or towns, and to replace it with a size limitation of one acre of land, including improvements.

Section 2. The election on the amendment shall take place on November 8, 1983.

Section 3. Emergency clause.

Rulemaking Authority:

This amendment does not delegate any rulemaking authority to any state agency, department, officer, or institution.

Summary of Committee Action:

Public notice was posted in accordance with Rule 4, Section 12 of the Rules of Procedure of the House of Representatives and a public hearing was held on March 30, 1983.

Dr. Joseph W. McKnight of Dallas, Professor of Law at S.M.U. School of Law, representing himself and the Legislative Drafting Center, appeared to testify in favor of H.J.R. 105.

H.J.R. 105 was left as pending business before the full Committee.

On April 6, 1983, the Chair laid out H.J.R. 105 in its original form. The Committee voted to adopt H.J.R. 105 and to report the measure favorably to the House with the recommendation that it do pass by a record vote of 7 ayes, 1 present not voting, no nays, and 1 absent

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 28, 1983

Honorable Bob Bush, Chair
Committee on Judiciary
House of Representatives
Austin, Texas

In Re: House Joint Resolution No. 105
By: C. Evans

Sir:

In response to your request for a Fiscal Note on House Joint Resolution No. 105 (proposing a constitutional amendment to replace the limitation on the value of an urban homestead with a limitation based on size) this office has determined the following:

No significant fiscal implication to the State or units of local government is anticipated.

The cost of publication of this resolution is \$47,750.


Jim Oliver
Director

Source: Secretary of State;
LBB Staff: JO, JH, KH, BL

Amendment No. 1
By Smith of Travis

~~This amendment shall apply to all
homesteads ~~in~~ owned at the time
of its adoption. and all homesteads
purchased thereafter~~

Add a
new Section 2:

SECTION 2. This amendment applies to all homesteads
in this state, including homesteads acquired
before the adoption of this amendment.

Renumber Section 2 as Section 3.

ADOPTED

APR 14 1983

Betty Murray
Chief Clerk
House of Representatives

By Evans of Tarrant, et al.

H.J.R. No. 105

A JOINT RESOLUTION

1 proposing a constitutional amendment to replace the limitation on
2 the value of an urban homestead with a limitation based on size.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. That Article XVI, Section 51, of the Texas
5 Constitution be amended to read as follows:

6 Sec. 51. The homestead, not in a town or city, shall consist
7 of not more than two hundred acres of land, which may be in one or
8 more parcels, with the improvements thereon; the homestead in a
9 city, town or village, shall consist of lot[7] or lots amounting to
10 not more than one acre of land, together with any improvements on
11 the land[7--not-to-exceed-in-value-Ten-Thousand-Dollars7--at-the-time
12 of--their--designation--as--the-homestead7--without-reference-to-the
13 value-of-any-improvements-thereon]; provided, that the same shall
14 be used for the purposes of a home, or as a place to exercise the
15 calling or business of the homestead claimant, whether a single
16 adult person, or the head of a family; provided also, that any
17 temporary renting of the homestead shall not change the character
18 of the same, when no other homestead has been acquired. [~~This~~
19 ~~amendment-shall-become-effective-upon-its-adoption-~~]

20 SECTION 2. This proposed constitutional amendment shall be
21 submitted to the voters at an election to be held November 8, 1983.
22 The ballot shall be printed to provide for voting for or against
23 the proposition: "The constitutional amendment replacing the
24 limitation on the value of an urban homestead with a limitation

H.J.R. No. 105

1 based on size."

HOUSE
ENGROSSMENT

By Evans of Tarrant, et al.

H.J.R. No. 105

A JOINT RESOLUTION

proposing a constitutional amendment to replace the limitation on the value of an urban homestead with a limitation based on size.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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SECTION 2. This amendment applies to all homesteads in this state, including homesteads acquired before the adoption of this amendment.

SECTION 3. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 8, 1983.

H.J.R. No. 105

1 The ballot shall be printed to provide for voting for or against
2 the proposition: "The constitutional amendment replacing the
3 limitation on the value of an urban homestead with a limitation
4 based on size."

1 By: Evans of Tarrant, et al. (Senate Sponsor-Caperton) H.J.R. No. 105
2 (In the Senate - Received from the House April 18, 1983;
3 April 19, 1983, read first time and referred to Committee on State
4 Affairs; May 19, 1983, reported favorably; May 19, 1983, sent to
5 printer.)

6 A JOINT RESOLUTION

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8 the value of an urban homestead with a limitation based on size.

9 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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22 adult person, or the head of a family; provided also, that any
23 temporary renting of the homestead shall not change the character
24 of the same, when no other homestead has been acquired. [~~This~~
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26 SECTION 2. This amendment applies to all homesteads in this
27 state, including homesteads acquired before the adoption of this
28 amendment.

29 SECTION 3. This proposed constitutional amendment shall be
30 submitted to the voters at an election to be held November 8, 1983.
31 The ballot shall be printed to provide for voting for or against
32 the proposition: "The constitutional amendment replacing the
33 limitation on the value of an urban homestead with a limitation
34 based on size."

35 * * * * *

36 Austin, Texas
37 May 19, 1983

38 Hon. William P. Hobby
39 President of the Senate

40 Sir:

41 We, your Committee on State Affairs to which was referred H.J.R.
42 No. 105, have had the same under consideration, and I am instructed
43 to report it back to the Senate with the recommendation that it do
44 pass and be printed.

45 Farabee, Chairman

H.J.R. 105 by Evans (Caperton)

Proposing a constitutional amendment to replace the limitation on the value of an urban homestead with a limitation based on size.

Background Information:

Currently, the state constitution provides for two types of limitations on homestead exemptions. Persons residing in rural areas can exempt up to 200 acres from creditors' claims, while persons living in cities or towns may exempt any lot or lots, including improvements, as long as the total value does not exceed \$10,000.

Problems that the Bill Addresses:

Critics claim that the current monetary limitation is too low. The original exemption was set at \$5,000 in 1876, which in present day dollars is much greater than \$10,000. In addition, with inflation becoming a fixture of economic life, the burden of periodically amending the constitution to maintain fair monetary limitations is onerous. The bill would eliminate the monetary limitation and substitute an area requirement, thus standardizing the method of limiting the homestead exemption and obviating the need for further constitutional revisions.

How This Bill Will Solve the Problem(s):

H.J.R. 105 amends existing law to replace the limitation on monetary value of an urban homestead with a limitation on size of one acre, including improvements.

Section by Section Analysis:

SECTION 1: Amends Article XVI, Section 51, of the state constitution to eliminate the monetary limitation on exemptions for homesteads located in cities or towns, and to replace it with a size limitation of one acre of land, including improvements.

SECTION 2: This amendment applies to all Texas homesteads, including those acquired before the adoption of this amendment.

SECTION 3: The election on the amendment shall take place on November 8, 1983.

SECTION 4: Emergency Clause.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 28, 1983

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Committee on Judiciary
House of Representatives
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By: C. Evans

Sir:

In response to your request for a Fiscal Note on House Joint Resolution No. 105 (proposing a constitutional amendment to replace the limitation on the value of an urban homestead with a limitation based on size) this office has determined the following:

No significant fiscal implication to the State or units of local government is anticipated.

The cost of publication of this resolution is \$47,750.


Jim Oliver
Director

Source: Secretary of State;
LBB Staff: JO, JH, KH, BL

F
ENROLLED

H.J.R. No. 105

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4 based on size."

President of the Senate

Speaker of the House

I certify that H.J.R. No. 105 was passed by the House on April 14, 1983, by the following vote: Yeas 139, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.J.R. No. 105 was passed by the Senate on May 24, 1983, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

APPROVED: _____
Date

Governor

RECEIVED: _____
Date

Secretary of State

HOUSE JOINT RESOLUTION

proposing a constitutional amendment to replace the limitation on the value of an urban homestead with a limitation based on size.

MAR 10 1983

1. Filed with the Chief Clerk.

MAR 23 1983

2. Read first time and referred to Committee on

Judiciary
APR 6 1983

3. Reported favorably ^(as amended) and sent to Printer at 3:55 pm ^{APR 17 1983}
_(as substituted)
APR 11 1983

4. Printed and distributed at 8:23 pm
APR 11 1983

5. Sent to Committee on Calendars at 9:16 pm
APR 14 1983

6. Read second time ^(amended) and (finally) passed ~~by a Record Vote~~ by a Record Vote of 139 yeas, 0 nays, 2 present, not voting.

7. Motion to reconsider and table the vote by which H.J.R. _____ was ordered engrossed prevailed (failed) by (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, _____ present, not voting).

8. Read third time (amended) and finally adopted (failed of adoption) by a Record Vote of _____ yeas, _____ nays, _____ present, not voting.

9. Caption ordered amended to conform to body of resolution.

10. Motion to reconsider and table the vote by which H.J.R. _____ was finally adopted prevailed (failed) by a (Non-Record Vote) Record Vote of _____ yeas, _____ nays, and _____ present, not voting).

APR 14 1983

11. Ordered Engrossed at 1:32 pm
APR 14 1983

12. Engrossed.

APR 14 1983

13. Returned to Chief Clerk at 4:51 pm
APR 18 1983

14. Sent to the Senate.

Betty Murray
Chief Clerk of the House

APR 18 1983

15. Received from the House

APR 19 1983

16. Read, referred to Committee on STATE AFFAIRS
MAY 19 1983

17. Reported favorably

18. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

19. Ordered not printed.

MAY 24 1983

20. Regular order of business suspended by unanimous
_(a viva voce vote) consent
(_____ yeas, _____ nays.)

21. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of _____ yeas, _____ nays.

MAY 24 1983

22. Read second time ^{passed} to third reading by:
_(a viva voce vote) _____ yeas, _____ nays.)

_____ 23. Caption ordered amended to conform to body of bill.

MAY 24 1983

24. Senate and Constitutional 3-Day Rules suspended by vote of 29 yeas,
_____ nays to place bill on third reading and final passage.

MAY 24 1983

25. Read third time and passed by

(~~a viva voce vote.~~)
(30 yeas, 0 nays.)

OTHER ACTION:

OTHER ACTION:

Betty King

Secretary of the Senate

5-24-83

26. Returned to the House.

MAY 24 1983

27. Received from the Senate (~~with amendments,~~
(~~as substituted.~~)

28. House (Concurred) (Refused to Concur) in Senate (Amendments) by a (Non-Record
(Substitute) Vote) (Record Vote of _____ yeas, _____ nays, _____ present,
not voting).

29. Conference Committee Ordered.

30. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record
Vote of _____ yeas, _____ nays, and _____ present, not voting).

MAY 24 1983

31. Ordered Enrolled at 3:30 pm

1983 APR 11 PM 8:23
HOUSE OF REPRESENTATIVES

1983 APR 14 PM 4:51
HOUSE OF REPRESENTATIVES